

"Approved by the City Council/Redevelopment Agency Board on April 11, 2007."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
March 28, 2007

The City Council/Agency Board of the City of Westminster, California convened on February 28, 2007 at 6:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

6:30 P.M.
CLOSED SESSION

CALL TO ORDER:

PRESENT: RICE, MARSH, QUACH, TA
ABSENT: FRY

URGENT ITEM ADDED TO CLOSED SESSION:

Motion was made by Council Member Quach, seconded by Council Member Ta, and carried by a 4-0 vote to add the following item of an urgent nature onto the agenda for Closed Session, which arose subsequent to the posting of the agenda and requires immediate action, as follows:

Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Vietnam War Memorial Committee (14180 All American Way);

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session at 6:35 p.m. for the purpose of a Closed Session for a Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Ambulance Transportation Services. It was determined that the need no longer exists for this closed session item.

RECESS:

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

The City Council/Redevelopment Agency Meeting reconvened at 7:10 p.m. in the Council Chambers.

PRESENT: RICE, MARSH, QUACH, TA
ABSENT: FRY

SALUTE TO FLAG: Council Member Ta

INVOCATION: Mayor Pro Tem Marsh

REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of Closed Session.

SPECIAL PRESENTATIONS:

- A. Certificates of Commendation were presented by the Mayor and City Council to the Westminster Council PTA Reflections Contest Winners in the categories of Literature, Musical Composition, Photography, Visual Arts, Dance and Choreography and Film/Video Production.
- B. A Proclamation declaring April, 2007 as DMV/Donate Life California Month was presented by the Mayor and City Council to Vanessa Nguyen, Ambassador, accepting on behalf of Donate Life California (115-00)
- C. A presentation was made by Rose Center Theater Executive Director, Tim Nelson. Mr. Nelson spoke about the progress of the Rose Center, and distributed packets of information to the Council.

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 28, 2007.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 **Proclamation Declaring April, 2007 as "Fair Housing Month" in the City of Westminster. (115-00)**

ACTION: Approved.

- 1.3 **Fourth Year Payment for Microsoft Software License. (502-03)**

ACTION: The Mayor and City Council approved a purchase order in the amount of \$90,209.97 to Compucom Systems Inc. for the fourth (4th) year payment for Microsoft Software Licenses.

- 1.4 **Award of Transcription Services Contract. (502-08)**

ACTION: The Mayor and City Council awarded a services contract to Huntington Court Reporters & Transcription, Inc. for fiscal year 2007-08 in an amount not to exceed \$18,000.

- 1.5 **Increase in Purchase Order for Legal Services for the City. (502-06)**

ACTION: The Mayor and City Council approved an increase to the purchase order with Ferguson, Praet & Sherman in the amount of \$15,000.

1.6 Rejection of Bid for Security Management System. (603-02)

ACTION: The Mayor and City Council rejected the bid received for a Security Management System.

1.7 AB-939 Integrated Waste Management Goal Attainment Annual Report – CY 2005. (609-11)

ACTION: The Mayor and City Council received and filed the report.

RESOLUTIONS

1.8 Resolution No. 4073 - A Resolution of the Mayor and City Council of the City of Westminster Adopting the Intention to Approve an Amendment to the Contract with the California Public Employees' Retirement System (To Provide Section 21574 (Fourth Level of 1959 Survivor Benefits) for local police members only. (502-03)

ACTION: The Mayor and City Council adopted Resolution No. 4073 and waived further reading.

1.9 Resolution No. 4074 - A Resolution of the Mayor and City Council of the City of Westminster Providing for No Stopping or Standing on the North and South Sides of Bolsa Avenue from Magnolia Street to Ward Street. (608-02)

ACTION: The Mayor and City Council adopted Resolution No. 4074 and waived further reading.

1.10 Resolution No. 4075 - A Resolution of the Mayor and City Council of the City of Westminster Supporting the Orange County Water District and Orange County Sanitation District Groundwater Replenishment System. (112-06)

ACTION: The Mayor and City Council adopted Resolution No. 4075 and waived further reading.

(REMOVED AND HEARD SEPARATELY)

1.11 (City/Redevelopment Agency) Use of Property Tax Increment Funds for Financing the Demolition and Construction of a Public Owned Building, Pursuant to California Health and Safety Code Section 33445. (14491 Beach Boulevard) (905-02)

Mayor Pro Tem Marsh requested that in the future the property address be included on the agenda, noting that the subject property is the Chamber of Commerce building.

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Quach, to adopt Resolution No. 4076 entitled, "A Resolution of the Mayor and City Council of the City of Westminster making certain findings in connection with the Westminster Redevelopment Agency's use of property tax increment funds for financing the demolition and construction of a public owned building pursuant to California Health and Safety Code Section 33445", and waived further reading. The motion carried by the following roll call vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

Motion was made by Vice Chair Marsh, seconded by Agency Member Quach to adopt Resolution No. 181 entitled, "A Resolution of the Westminster Redevelopment Agency approving the Agency's use of property tax increment funds for financing the demolition and construction of a public owned building pursuant to California Health and Safety Code Section 33445", and waived further reading. The motion carried by the following roll call vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

1.12 (Agency) Resolution No. 182 – A Resolution of the Westminster Redevelopment Agency Authorizing Official Signatures on Behalf of the Agency for Safekeeping Agency Property and Authorizing Facsimile Signatures for Instrument of Payment. (105-13)

ACTION: The Chair and Agency Board adopted Resolution No. 182 and waived further reading.

1.13 Resolution No. 4079 – A Resolution of the Mayor and City Council of the City of Westminster Authorizing Official Signatures on Behalf of the City for Safekeeping City Property and Authorizing Facsimile Signatures for Instrument of Payment. (105-13)

ACTION: The Mayor and City Council adopted Resolution No. 4079 and waived further reading.

WARRANT REGISTER

1.14 (City Council/Redevelopment Agency) Warrant Register dated March 7 through 20, 2007. (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

- 1.15 Minutes of the Planning Commission Meeting held February 21, 2007. (104-11)**

ACTION: Received and filed.

- 1.16 Treasurer's Report – February 2007 (105-08)**

ACTION: Received and filed.

- 1.17 Minutes of the Cultural Arts Commission meeting held February 1, 2007. (104-06)**

ACTION: Received and filed.

- 1.18 Minutes of the Community Services and Recreation Commission meeting held January 10, 2007. (104-05)**

ACTION: Received and filed.

- 1.19 Minutes of the Traffic Commission meeting held March 6, 2007. (104-12)**

ACTION: Received and filed.

Motion was made by Council/Agency Member Ta, seconded by Council/Agency Member Quach, to approve the Consent Calendar with the exception of Item No. 1.11 which was removed for separate consideration. The motion carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Don Salow, resident of Westminster, commented on the 7-Eleven store approved by Council at their January 24, 2007 meeting, and the unanswered questions he has about the 24-hour operation and whether the closure of Northwestern Way was going to the Traffic Commission.

The Director of Public Works/City Engineer Marwan Youssef explained that if a detailed study is done at this time and after the 7-Eleven is built, it would not reflect if cut through traffic in the neighborhood is caused by the 7-Eleven project itself. They will take this matter to the next Traffic Commission meeting to present the existing traffic patterns as a "before" study, and receive input from the Police Department and the Orange County Fire Authority (OCFA). He said that the major traffic study will be done closer to the time that the 7-Eleven opens, to see whether the construction of the 7-Eleven will cause cut through

traffic. Notification will be provided to surrounding residents of the upcoming Traffic Commission meeting.

3. **COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None.**

4. **PUBLIC HEARINGS**

4.1 **ALLOCATION OF FY 2007-2008 HOME INVESTMENT PARTNERSHIPS (HOME) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND REALLOCATION OF HOME FUNDS FROM PRIOR FISCAL YEARS 2001, 2002 AND 2005 AND CDBG FUNDS FROM PRIOR FISCAL YEARS 2002, 2004 AND 2005. (109-01) (109-02)**

MAYOR RICE OPENED THE PUBLIC HEARING

Gloria Reyes, representing Abrazar, Inc., stated that the initial application submitted for federal funding under the HOME Program was for the purpose of building and constructing two condominiums on the corner of Texas and Olive Streets. After meeting with staff, they decided that in order to keep the units affordable, they probably should not build them with HOME funds. She requested that instead of applying for the monies for the actual construction of the condominiums, that the funds be transferred for acquisition of affordable housing.

Mayor Pro Tem Marsh said he is troubled with a change in the proposal and that other applicants had to have their materials submitted in advance. He said that he does not know the address of the property to be acquired with the funds.

Ms. Reyes responded that the proposed addresses are very similar to the acquisitions on Homer Street. The property is condominiums for sale on Homer Street.

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta, to continue the public hearing for the review of the Non-Profit Organization (CHDO) funds to the April 11, 2007 meeting.

Mayor Rice requested that Ms. Reyes provide back-up material for this request.

The motion carried by a 4-0 vote.

2007-2008 HOME Funds Funding Requests & Allocations

A. *Non-Profit Organizations*

Abrazar (CHDO)

B. *Home Administration*

Program Administration (10% cap)

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Quach, to approve funding in the amount of \$52,228 to Program Administration. The motion carried by a 4-0 vote.

C. Grants & Housing, Department of Community Development
Housing Rehabilitation Program

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta that no funds be allocated to the Housing Rehabilitation Program. The motion carried by a 4-0 vote.

2007-2008 Community Development Block Grant (CDBG) Public Services

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Quach and carried by a 4-0 vote to allocate funds as follows:

A. Public Services Requests

AA Care Center (Pay Salary of Physician)	\$ 5,000
Abrazar (Dental Care, Education and Food Programs)	\$15,582
Acacia Adult Day Services (Adult Day Care)	\$ 2,500
American Family Housing (Cedar Transitional Program)	\$ 6,000
American Family Housing (Jackson House Transitional)	\$ 6,000
American Family Housing (Locust House Transitional)	\$ 6,000
Boys & Girls Club (Project Learn)	\$15,581
Colette's Children's Home (Transitional House Operations (women & children))	-0-
Community Health Care Center (Health Care for Uninsured – Westminster)	\$ 3,000
Community Svs. & Rec. (Family Resource Center)	\$31,575
Community Svs. & Rec. (Red Cross Lifeline Program)	\$ 6,600
Community Svs. & Rec. (Project S.H.U.E.)	\$15,000
Community Svs. & Rec. (Middle School Enhancement)	\$15,000
Community Svs. & Rec. (Senior Outreach Program)	\$21,000
Feedback Foundation dba Senior Meals & Services (Home Delivered Meals)	\$25,000
Interval House (Domestic Violence Crisis Support Services)	\$12,000
Rebuilding Together O.C. (Safe at Home 2007-2008)	-0-
Vietnamese Community of O.C. (Counseling to prevent Gang activities)	-0-
Volunteer Exchange	\$ 4,005
Westminster Little League (Scholarship & Equipment)	\$ 995
Westminster Pony Youth Baseball (Scholarship & Equipment)	\$ 995
Total Allocated	\$191,833

2007-2008 CDBG Construction & Rehabilitation Projects

B. Construction & Rehabilitation Projects

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta, and carried by a 4-0 vote to approve requests as follows:

Nonprofit Project Requests

American Family Housing (Cont. Rehab of 7372 Wyoming)	-0-
Boys & Girls Club (Facility Rehabilitation)	\$138,463

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Marsh, and carried by a 4-0 vote to approve allocations as follows:

Public Works Department

Reconstruct AC pavement, minor curb, and gutter and access ramps (Alcester-Sinclair to Greenville)	\$250,000
Reconstruct AC pavement, minor curb, and gutter and access ramps (Givens Place – Sinclair to Washington)	\$160,000
Reconstruct AC pavement, minor curb, and gutter and access ramps (Butte Street to Sabre Lane)	\$ 90,000
Total	\$500,000

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta, and carried by a 4-0 vote to approve allocations as follows:

C. Community Development Department

Code Enforcement (Code Enforcement Staff)	\$196,446
Total	\$196,446

Motion was made by Council Member Quach, seconded by Mayor Rice and carried by a 4-0 vote to approve allocations as follows:

D. CDBG Administration (20% cap)

CDBG (Program Administration)	\$233,403
Fair Housing Council of Orange County	\$ 18,744
Total Allocated	\$252,147

HOME Prior Years Reallocation Funds

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Marsh, and carried by a 4-0 vote to approve HOME Prior Year Reallocations as follows:

Non-Profit Organizations

Abrazar (CHDO) (Acquisition)	\$629,125
American Family Housing (CHDO) (Acquisition)	\$160,212
American Family Housing (CHDO) (Acquisition)	\$160,212
Total	\$949,549

CDBG Prior Years Reallocation Funds

Motion was made by Council Member Ta, seconded by Mayor Pro Tem Marsh, and carried by a 4-0 vote to approve CDBG Prior Year Reallocations as follows:

Non-Profit Organizations

Abrazar (CHDO) 3 condos or 1 SFR (Rehabilitation)	\$ 51,314
Rebuilding Together Orange County (Rehabilitation)	-0-
Westminster Little League (Rehabilitation)	\$ 15,000
Westminster Pony Baseball (Rehabilitation)	\$ 45,000

Motion was made by Council Member Quach, seconded by Council Member Ta, and carried by a 4-0 vote to approve reallocations as follows:

Public Works Department

15 th Street Alley Reconstruction (Reconstruction)	\$140,000
Madison, Yermo and Washington (Reconstruction)	\$118,000
11 th Street Reconstruction (Reconstruction)	\$100,000

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta, and carried by a 4-0 vote to approve reallocations as follows:

Grants and Housing Division

Financing Assistance/Abrazar Tenant (FTHB)	\$265,000
Owner-Occupied Rehab Program (Rehabilitation)	\$150,000
Totals	\$884,314

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Quach to continue the public hearing to the April 11, 2007 at 7:00 p.m. to review the Non-Profit Organization (CHDO) funds. The motion carried by a 4-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Council Member Ta thanked Mayor Rice, Acting Police Chief Mitch Waller, Assistant to the City Manager Piscotty, and Public Works Director Youssef for supporting him during their trip to Washington DC last week. He thanked Interim City Manager Andy Hall for the work he has done for Council and the City, as this will be his last meeting before returning to his Police Chief position.

The Mayor and City Council presented a Resolution of Commendation to Interim City Manager Andy Hall.

Mayor Pro Tem Marsh thanked Code Enforcement Department for dealing with the referrals of many complaints from constituents that he has forwarded to them. He spoke in regards to the new shopping cart ordinance.

Mayor Rice said that she is receiving letter from neighbors near the 7-Eleven on Milan Street that are disturbed with the early morning hour deliveries.

- 5.2 AB 1234 Reports** – Mayor Rice reported that she and Council Member Ta traveled to Washington D.C. on March 18-20, 2007 for the City's annual legislative trip to request federal funding.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**6.1 Select Date for a Budget Study Session for Fiscal Year 2007-08 (103-08)**

Motion was made by Council/Agency Member Ta, seconded by Council/Agency Member Quach that a study session to review the fiscal year 2007-08 be held on Wednesday, May 16, 2007. The motion carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None**8. LEGISLATIVE ITEMS****8.1 (First Reading) Ordinance No. 2411 - Establishing Fees for State Franchised Video Service Providers. (502-16)**

Motion was made by Council Member Quach, seconded by Council Member Ta to introduce Ordinance No. 2411 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster establishing fees for State franchised video service providers", and waive further reading, by the following roll call vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

8.2 (First Reading) Ordinance No. 2410 – Amending the Westminster Municipal Code to Extend the Tree Education Committee For An Additional Five Years (104-25)

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta to introduce Ordinance No. 2410 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to Amend Section 12.12.170 of Title 12 (Streets, Sidewalks and Public Places) of the Westminster Municipal Code", and waived further reading, by the following roll call vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to the City's Tree Education Committee (104-25)

Motion was made by Mayor Rice, seconded by Mayor Pro Tem Marsh to appoint Diana Williams as Mayor's Rice nominee to serve on the City's Tree Education Committee. The motion carried by a 4-0 vote.

9.2 Appointments to the City's Energy Committee (104-07)

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta to defer appointments to the City's Energy Committee to the April 11, 2007 meeting. The motion carried by a 4-0 vote.

9.3 Appointments to City Commissions and Committees (104-00)

Motion was made by Mayor Pro Tem Marsh, seconded by Council Member Ta to defer appointments to the following Committees and Commissions for a two-year term ending November, 2008: (Mayor Pro Tem Marsh/Council Member Fry appointees)

Cultural Arts Commission	Mayor Pro Tem Marsh (1) Reg. (1) Alt. Council Member Fry (1) Alt.
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Financial Review Committee	Council Member Fry (1)
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The motion carried by a 4-0 vote.

9.4 Request for a Loading/Unloading Zone on the East Side of Hoover Street North of Hazard Avenue in Front of 14382 Hoover Street – T.C. 06-106 (608-02)

Motion was made by Council Member Quach, seconded by Council Member Ta to approve the recommendation of the Traffic Commission and adopt Resolution No. 4070 entitled, "A Resolution of the Mayor and City Council of the

City of Westminster providing for a loading/unloading zone on the east side of Hoover Street, north of Hazard Avenue in front of 14382 Hoover Street", and waive further reading. The motion carried by the following vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

9.5 Request for Parking Restrictions on the North Side of Kiowa Road at the Alley East of Edwards Street – T.C. 90-106 (608-02)

Motion was made by Council Member Ta, seconded by Council Member Quach to approve the recommendation of the Traffic Commission and adopted Resolution No. 4071 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no stopping or parking on the north side of Kiowa Road at the Alley east of Edwards Street", and waive further reading. The motion carried by the following vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

9.6 Request for Parking Restrictions at the Intersection of Baylor Drive and Webber Place – T.C. 77-116 (608-02)

Motion was made by Council Member Ta, seconded by Council Member Quach to approve the recommendation of the Traffic Commission and adopted Resolution No. 4072 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no stopping or parking at the intersection of Baylor Drive and Webber Place", and waive further reading. The motion carried by the following vote:

AYES: RICE, MARSH, QUACH, TA
NOES: NONE
ABSENT: FRY

10. COUNCIL/AGENCY ADJOURNMENT: Mayor Rice adjourned the meeting at 8:40 p.m. In memory of the 30th Anniversary of the Tenerife Aviation Accident in the Canary Islands.


Marian Contreras, City Clerk/Agency Secretary